

NANCY SWEENEY
CLERK DISTRICT COURT

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Michael J. Uda, Esq.
Maggie Sullivan Braun, Esq.
Brown, Uda, Dinwiddie & Mazeruk, PLLC
611 West Main Street
Bozeman, MT 59715
Telephone (406) 922-2222
muda@budlawfirm.com
mbraun@budlawfirm.com

Attorneys for Plaintiffs

FILED

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Clerk, U.S. District Court
District Of Montana
Helena

FILED
BY *T. Johnson*
Deputy

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

INDEXED

JASON AMSK,

Plaintiff,

v.

NORTHWESTERN CORPORATION, d/b/a
NORTHWESTERN ENERGY, and John Does
1 - 5,

Defendant.

Case No.:

C DV-2014-989

CV-15-49-H-CCL

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

KATHY SEELEY
Presiding Judge

COMES NOW, the Plaintiff, Jason Amsk, by and through his attorneys, Brown, Uda, Dinwiddie & Mazeruk, PLLC, and for his claims against the Defendants alleges as follows:

1. Plaintiff, Jason Amsk, is a citizen and resident of Helena, Lewis and Clark County, Montana.
2. Defendant, North Western Corporation, d/b/a North Western Energy, is a South Dakota corporation authorized to do business in Montana whose agent is registered in Billings, Montana and whose principal place of business is Helena, Lewis and Clark County, Montana.

1. COMPLAINT AND DEMAND FOR JURY TRIAL

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3. Defendants John Does 1 through 5 are fictitious defendants whose identify is currently unknown and are named pursuant to § 25-5-103, MCA.
4. Plaintiff worked at NorthWestern Energy from 2006 until December 27, 2013, when he was discharged from his employment.
5. Plaintiff fulfilled all of his job duties in a competent, faithful, and diligent manner until his termination on December 27, 2013.

COUNT I

WRONGFUL DISCHARGE FROM EMPLOYMENT

6. Plaintiff realleges paragraphs 1 through 5 of this Complaint as if fully set forth verbatim.
7. Defendant, NorthWestern Energy, had a written personnel policy applicable to the Plaintiff's employment and the Defendant's discharge of the Plaintiff was in violation of the express provisions of Defendant's personnel policy, and the discharge was wrongful under § 39-2-904(1)(c), MCA.
8. The Plaintiff had been employed by Defendant, NorthWestern Energy, from 2006 until 2011. In July of 2011, Plaintiff was promoted to an electric groundsmen for the Defendant and had completed the employer's probationary period of employment.
9. The discharge was not for good cause, and the discharge was wrongful under § 39-2-904(1)(b), MCA.
10. The discharge was in retaliation under § 39-2-904(1)(a), MCA.
11. As a result of the wrongful discharge, the Plaintiff is entitled to the damages and remedies in § 39-2-905, MCA.

COUNT II

EMOTIONAL DISTRESS

12. Plaintiff realleges paragraphs 1 through 11 of his Complaint as if fully set forth verbatim.
13. As a consequence of Defendants' actions, Plaintiff was injured and has sustained mental anguish and emotional distress.
14. As a direct and proximate result of the Defendants' actions, Plaintiff has been damaged in an amount to be proven at trial.

COUNT III

EXEMPLARY DAMAGES


15. Plaintiff realleges paragraphs 1 through 14 of his Complaint as if fully set forth verbatim.
16. Defendants' actions discharging Plaintiff were with malice. Consequently, Plaintiff is entitled to recover exemplary damages under § 39-2-905(2), MCA, and the common law.

WHEREFORE, Plaintiff prays for judgment on the following claims for damages:

1. All remedies and damages allowable under § 39-2-905(1) and (2), MCA;
2. For damages compensating him for the emotion distress he has suffered; and
3. For all such other relief which the Court in the premises deems equitable and just.

Dated: December 26, 2014.

BROWN, UDA, DINWIDDIE &
MAZERUK, PLLC



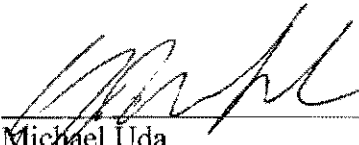
Michael Uda
Attorney for Plaintiffs

DEMAND FOR JURY TRIAL

Pursuant to Mont. R. Civ. P. 38, the Plaintiffs request that all issues of fact be heard and determined by a jury of their peers.

Respectfully submitted this 21st day of December, 2014.

BROWN, UDA, DINWIDDIE &
MAZERUK, PLLC



Michael Uda
Attorney for Plaintiffs